

MEETING MINUTES, BOARD OF ZONING APPEALS, APRIL 9, 2007

Present: Phil Tinkle, Mike Campbell, Shan Rutherford, Ken Knartzer, Raynel Berry, Asst. City Attorney, William Peeples, Senior Planner; and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

PREVIOUS MINUTES

February 26th – Knartzer moved to approve the minutes as mailed, seconded by Rutherford. Vote for **approval** was unanimous, 4-0. **Motion carried.**

NEW BUSINESS

Docket V2007-05 – Dimensional Variance – Jared Jewelers, 729 W. County Line Rd. Request to reduce required 45' setback from W. County Line Rd. to 29.9' – Sterling Jewelers, Inc., applicant; Simon Property Group, owner.

Sharon Stewart-Brown, Civil Designs, came forward and was sworn.

Packets with colored renderings of the proposed building to be constructed on the site were distributed. The variance request is to allow a reduction of the building setback line from County Line Rd. from 45' to 29.9'. Included in the packets were site plans of the existing building as well as the proposed building. The proposed landscaping was also shown on the site plan.

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The proposal would result in demolition of an existing structure with a 14' setback and the construction of a new retail location on the site at a setback of nearly 30 feet. The new building will enhance the site. With the site not remaining vacant it will not be a liability to the city.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The approval of this request would result in the elimination of a retail commercial structure that has been vacant for nearly two years and replace it with an occupied jewelry store. The site will be retrofitted to the current landscaping standards. The overall effect should enhance the property values of property in proximity of the development.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** This property has frontage on one public street and two private streets. These existing street systems result in a lot depth that is only 107 feet, which limits the developable areas of the site beyond practical considerations. Any building that would be constructed on this site would have difficulty meeting the required setbacks due to the fact that this is a long narrow site.
4. It was also noted that structure is not regulated under Indiana Code 8-21-10 because this provisions of the Indiana Code pertains to tall structures in the vicinity of public use airports. The City of Greenwood has established an airspace overlay district in the vicinity of the nearest public use airport and this property does not lie within that Overlay District.

Rutherford inquired about the existing entrance/exit into mall. There will a setback of 10' off of the r-o-way in this area. There will be a second ingress/egress to the west of this entrance. Discussion of the location of a proposed tree near the intersection of the ring road took place. Rutherford questioned about the line of site being obstructed. Stewart-Brown replied that she felt it would not be an obstruction. This issue will be addressed at site plan approval.

Rutherford moved that we admit into the record all evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning

Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, seconded by Knartzer. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Knartzer moved that based on the evidence presented that the Board **approve** the granting of a dimensional variance to reduce the required building setback for Jared Jewelers, located at 729 W. County Line Rd., from 45' to 29.9', in that the approval

- A. Will not be injurious to the public health, safety, morals and general welfare of the community, per the reasons cited by the Staff Report;
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, per the reasons cited by the Staff Report;
- C. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property, per the reasons cited in the Staff Report.

Seconded by Rutherford. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Knartzer moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving the building setback reduction from 45' to 29.9', Variance Petition Number V2007-005, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Campbell. Vote for **approval** was unanimous, 4-0. **Motion carried.**

ANNOUNCEMENTS/REPORTS

Knartzer moved to adjourn, seconded by Campbell. Vote for **approval** was unanimous, 4-0. **Motion carried.** Meeting was adjourned at 6:20 p.m.

JANICE NIX
Recording Secretary

PHIL TINKLE
Chairman